

**REMARKS**

Please reconsider the present application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

**Disposition of Claims**

Claims 1-5 were pending in this application. By way of this reply, new claim 6 has been added. Thus, claim 1-6 are now pending in this application. Of these, claims 1 and 2 are independent. The remaining claims are directly dependent on claim 2.

**Claim Amendments**

By way of this reply, claims 1-4 have been amended to clarify the claimed invention. Particularly, the functionalities of the claimed inventions have been clarified. Further, new claim 6 has been added. No new matter has been added by way of these amendments. Support for these amendments may be found, for example, in Figure 6 and in paragraphs [0044]-[0045] of the published application.

**Rejection under 35 U.S.C. § 103**

Claims 1-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0152686 (“Takashimizu”) in view of U.S. Patent No. 5,592,551 (“Lett”) and U.S. Patent No. 6,897,904 (“Potrebiec”), and further view of U.S. Patent No. 5,410,326 (“Goldstein”). As discussed above, by way of this reply, independent

claims 1 and 2 have been amended to clarify the claimed invention. To the extent that this rejection may still apply to independent claims 1 and 2, as amended, the rejection is respectfully traversed for the reasons set forth below.

As noted previously, one or more embodiments of the claimed invention are directed to a recording function of digital broadcast receiving and recording apparatus, and more specifically directed to an improvement of a so-called time shift recording function. The time shift recording can be used to record concurrently with a part of an entire broadcasting program that the user is actually viewing, for the user's convenience. However, in conventional digital broadcast receiving and recording apparatus, if a user changes a channel for some reason in the middle of the time shift recording, the target channel for recording is also changed with or without the user's intention. As a result, it often happened that an undesired program was recorded between the programs the user actually desired to record, and it was unexpectedly annoying to the user. One or more embodiments of the claimed invention employs control logic of a digital broadcast receiving and recording apparatus so as to automatically prevent that an undesired channel is accidentally recorded, even if the user changes the channel in the middle of the time shift recording. This advantageous feature of the claimed invention has been further clarified in the amendments to independent claims 1 and 2, by way of this reply.

Accordingly, independent claims 1 and 2, as amended, includes, in part, "wherein when the viewer selects one channel which is included in the favorite channel map as the selected channel, the control section controls *the recording section to start recording the selected channel*," and "wherein when the viewer changes the selected channel to another channel which is not included in the favorite channel map, while the recording section records the one channel, the control section-controls the recording section to stop recording the selected

*channel.*" Thus, amended claims 1 and 2 require that require that (1) the recording section starts recording if the viewer selects one channel which is included in the favorite channel map, and (2) the recording section stops recording if the viewer changes the one channel to another channel which is not included in the favorite channel map while recording the one channel.

In contrast, Takashimizu discloses a digital broadcast receiving and recording apparatus. Lett discloses a subscription television system for editing and displaying an electronic guide data on a screen. Potrebic discloses a device for tuning a particular channel among multiple tuners. However, as the Examiner acknowledges, Takashimizu, Lett, and Potrebic, whether considered separately or in combination, fail to teach or suggest any mechanism or logic for allowing the new channel to be recorded in the case that a user intends to do so, as required by the claimed invention.

However, on page 6 of the Office Action, the Examiner asserts "Goldstein teaches a remote control that interacts with recording device, television receivers, and other remote controllable devices to incorporate additional features which would be useful to a user of these appliances. Goldstein's recording interaction includes further criteria that would indicate a user's desire to simultaneously watch and record programming, namely if the channel is a favorite channel or if it is frequently watched."

Applicant respectfully asserts that, by way of this reply, Goldstein fails to show or suggest at least the above features (1) and (2), as required by amended claims 1 and 2.

Specifically, Goldstein discloses a system which is capable of identify whether the user selects the channel for watching and/or recording. However, Goldstein is not directed to preventing unintended recording, and the disclosure of Goldstein nowhere relates to control logic to *positively prevent from failing in error to record a specific program demanded by the*

*user during the recording and sequential output of the digital data by the recording section, as does the claimed invention.*

In view of the above, independent claims 1 and 2 are patentable over Takashimizu, Lett, Potrebic, and Goldstein because, whether considered separately or in combination, the references fail to teach or suggest all of the limitations of the claims. By virtue of their dependence, claims 3-5 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

### New claims

New claim 6 includes substantially similar limitations to that of amended claim 2 and, thus, is patentable for at least the same reasons as that of claim 2. Additionally, new claim 6 includes the further limitation “*a recording section adapted to perform a time shift recording in which the digital data generated from the digital broadcast signal of the channel currently selected by the viewer is recorded in a predetermined format and is sequentially output the recorded digital data.*” Thus, new claim 6 requires that the recording section performs the time shift recording and the logic applied to the claimed invention specifically relates to preventing unintended recording during the time shift recording. None of the references shows or suggests at least these features. Thus, entry and favorable consideration of claim 6 is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04995/107001).

Dated: November 6, 2008

Respectfully submitted,

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